

In the United States Court of Federal Claims

No. 98-126C

(Filed August 21, 2007)

YANKEE ATOMIC *
ELECTRIC COMPANY, *
Plaintiff, *

v. *

THE UNITED STATES, *
Defendant. *

ORDER

This spent nuclear fuel case was concluded by an Opinion and resulting Judgment entered on October 4, 2006, and is currently on appeal to the United States Court of Appeals for the Federal Circuit. On July 23, 2007, the clerk’s office received a Motion to Intervene in the action from Mr. William Peterson, who asserts an interest in processing spent nuclear fuel. The clerk’s office did not file the proffered submission because it did not comply with the court’s rules, but rather forwarded the submission to chambers for disposition.

A prior, somewhat similar submission was proffered by Mr. Peterson in April of this year and ordered to be returned to him, unfiled. See Order of April 25, 2007.

While this case is on appeal, this court has no further jurisdiction. “[I]t is well established that ‘once final judgment is entered and a timely notice of appeal has been filed, the trial court loses jurisdiction over the case except to act in aid of the appeal or to correct clerical errors.’” *JWK Int’l Corp. v. United States*, 49 Fed. Cl. 364, 366 (2001), *aff’d*, 279 F.3d 985 (Fed. Cir. 2002) (citing *Yachts America v. United States*, 8 Cl. Ct. 278, 280, *aff’d*, 779 F.2d 656 (Fed. Cir. 1985), *cert. denied sub nom.*, *Wilson v. United States*, 479 U.S. 832, 107 S.Ct. 122, 93 L.Ed.2d 68 (1986)).

The Clerk of the Court shall return the submission to Mr. Peterson along with a paper copy of this Order.

s/ James F. Merow
James F. Merow
Senior Judge